

Q&A ABOUT THE COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW

ENGLISH VERSION

Representing between \$91 billion and \$259 billion per year¹, environmental crimes now pose a major threat to ecosystems, sustainable development, and the security and stability of states. These crimes constitute the fourth largest criminal market in the world, with annual growth of 5 to 7%², two to three times that of the global economy. They cover a wide range of illegal activities, including illegal deforestation, clandestine mining, unregulated fishing, wildlife trafficking and illegal dumping of toxic waste. Beyond the irreversible environmental damage, these activities deprive states of crucial tax revenues, amounting to up to \$26 billion per year³, and fuel transnational criminal networks, including armed and terrorist groups. Faced with this lucrative, borderless, organised and increasingly sophisticated crime, the lack of effective enforcement encourages impunity. Environmental crime is perceived by criminals as a low-risk, high-return activity. It is therefore essential to strengthen the use of criminal law to deter, punish and curb these serious attacks on the environment, peace and justice.

This threat highlights the need for a coherent and ambitious criminal law response at European level. That is why, in 1998, the Council of Europe adopted its first Convention on the Protection of the Environment through Criminal Law. However, due to a lack of ratifications, it never entered into force. Since then, the need for a binding legal framework has become even more pressing. The Reykjavík Summit, which brought together heads of state and government, launched work on a new legally binding instrument on environmental criminal law in May 2023. For its part, the European Union adopted Directive 2024/1203 in 2024, strengthening criminal penalties for environmental offences. It is in this context that the Convention on the Protection of the Environment through Criminal Law, adopted in May 2025, aims to fill existing gaps by harmonising criminal legislation, strengthening cooperation between States Parties and ensuring effective implementation at national level.

¹ UNEP & INTERPOL, *The Rise of Environmental Crime - A Growing Threat to Natural Resources, Peace, Development and Security*, Rapid Response Assessment, United Nations Environment Programme and RHIPTO

² *ibid*

³ United Nations Interregional Crime and Justice Research Institute (UNICRI). *The State of Knowledge of Crimes that Have Serious Impacts on the Environment*. United Nations Interregional Crime and Justice Research Institute.

This new instrument establishes a common basis for criminal offences against the environment, imposes effective penalties on both natural (individuals) and legal (companies and organisations) persons, and promotes access to justice for victims, including environmental NGOs. It thus constitutes a major step forward in recognising the environment as a protected legal asset and in combating impunity for crimes that threaten it.

Q&A

WHAT IS A CONVENTION?

A convention is an international legal instrument that commits states that accede to it to respect the obligations it contains. As a multilateral treaty, it constitutes a binding legal basis on which the States parties rely to harmonise their national legislation and cooperate in an area of common interest, in this case the fight against environmental criminal offences.

WHAT ARE THE CONDITIONS FOR THE CONVENTION TO ENTER INTO FORCE?

The Convention will enter into force three months after ratification by at least ten signatories, of which at least eight must be Council of Europe member states. Instruments of ratification must be deposited with the Secretary General of the Council of Europe. It becomes binding on a State three months after the deposit of its instrument of ratification. The first signings are expected in December 2025.

CAN THIRD COUNTRIES ACCEDE TO THE CONVENTION?

Yes, the Convention is open to accession by non-member States of the Council of Europe, if they have been invited to accede by the Committee of Ministers of the Council of Europe, after consultation and unanimous agreement of the States Parties. This provision is intended to extend the geographical scope of the Convention beyond the continent of Europe.

CAN THIS CONVENTION BE APPLIED OUTSIDE EUROPE?

Although designed within a European framework, the Convention expressly provides for the possibility of non-European States acceding to it. It also contains provisions allowing for its extraterritorial application in certain cases, in particular where the offence was committed by a national or on board a ship or aircraft registered in a State party. It can therefore have legal effects beyond European territory.

WHAT IS ENVIRONMENTAL CRIMINAL LAW?

Environmental criminal law is the branch of criminal law that punishes environmental offences. It is subservient to the body of provisions concerning environmental law, bringing together many offences with different characteristics. One of its aims, which is reflected in the convention, is to impose sanctions. In other words, it recognises the environment as a value that must be protected.

WHAT ARE THE PURPOSES OF THIS NEW CONVENTION?

The Council of Europe Convention on the Protection of the Environment through Criminal Law has three main purposes. Firstly, it aspires to prevent and combat environmental crime effectively. Secondly, it seeks to promote and strengthen national and international cooperation between States Parties in the fight against such offences. Finally, it establishes common minimum standards to guide national criminal legislation, with the purpose of ensuring effective and harmonised protection of the environment across Europe.

WHO IS AFFECTED BY THE CONVENTION?

The Convention provides for the criminal liability of both natural and legal persons. Any individual or company within the territory of a State Party can therefore be affected. States Parties must criminalise acts committed intentionally by individuals but also hold companies and other legal entities liable when the offences are committed on their behalf, due to a lack of control or supervision. States Parties shall have jurisdiction over their nationals even if the offence is committed abroad. Authorities are responsible for prosecuting the perpetrators of the offences, when those are committed in their territory, on board a ship flying their flag, or on board an aircraft registered under their laws.

WHAT ARE THE APPLICABLE SANCTIONS?

The penalties provided for in the Convention must be effective, proportionate and dissuasive. For natural persons, they shall include imprisonment and may also include monetary sanctions. For legal entities, financial penalties are provided for, as well as additional optional measures such as exclusion from public contracts, suspension of activities or publication of judgements. The competent authorities may also order the restoration of the environment.

WHO ENFORCES THESE SANCTIONS?

The enforcement of sentences is the responsibility of the national judicial authorities of the States Parties. These Parties should impose the sanctions provided for by national legislation in accordance with the Convention and ensure that they are enforced. The Convention also recommends the specialisation of judges, prosecutors and investigation services in the field of environmental crime.

DOES THE CONVENTION COVER ECOCIDE?

The Convention does not explicitly enshrine the term ecocide. It provides for the punishment of a particularly serious offence when an intentional act causes irreversible, extensive and substantial damage to an ecosystem, a protected habitat or the quality of the air, soil or water. This qualification makes it possible to punish the most serious environmental damage and is also in line with ongoing international discussions on the recognition of ecocide as a crime.

WHAT IS THE IMPACT ON INTERNATIONAL COOPERATION?

The Convention strengthens international cooperation in criminal matters by facilitating mutual legal assistance, extradition, information sharing and mutual recognition of judicial decisions. It also encourages States Parties to cooperate in investigations and to protect witnesses and whistleblowers, in order to overcome cross-border obstacles to the effective prosecution of environmental crimes.

WHAT MEASURES HAVE BEEN TAKEN TO PREVENT ENVIRONMENTAL CRIME?

The Convention requires States Parties to implement coordinated national policies to prevent environmental crime. It provides for the adoption of national strategies, specialised training for professionals, raising public awareness and involving civil society. It also stresses the need to collect reliable data and promote research to better understand the causes and effects of environmental crime.